



KERALA GAZETTE കേരള ഗസറ്റ്

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PART IV

Private Advertisements and Miscellaneous Notifications

HOUSING (A) DEPARTMENT

NOTIFICATION

No. JS/Estate/6797/98. 17th May 2012.

In exercise of the powers conferred by Sub-section (1) and clause (i) of sub-section (2) of Section 162 of the Kerala State Housing Board Act, 1971 (19 of 1971) read with section 26 thereof the Kerala State Housing Board hereby makes the following Regulations for the formation of Managing Committees for Revenue Towers and Commercial Office Complexes the same having been approved and confirmed by the Government as required by sub-section (3) of Section 162 of the said Act.

REGULATIONS

1. *Short title and commencement*:— (1) These regulations may be called the Kerala State Housing Board (Formation of Managing Committees for Revenue Towers and Commercial Office Complexes) Regulations, 2012.

(2) They shall come into force at once.

2. *Definitions*:— In these Regulations, unless the context otherwise requires,

(a) 'Act' means the Kerala State Housing Board Act, 1971 (19 of 1971) ;

(b) 'Board' means the Kerala State Housing Board constituted under section-4 of Kerala State Housing Board Act 1971;

(c) Common Areas and common amenities means and includes;

(i) the land on which the Revenue Tower/ Commercial office complex is situated;

(ii) the premises of the Revenue Towers and Commercial office complexes;

(iii) space and common amenities specifically earmarked for the convenience and for use in general like corridors, lobbies, stairs, stair ways, toilets, urinals, lifts,

fire escapes, entrances and exits of the building and the appurtenances installed for common use;

(iv) garden, parking areas specifically earmarked, internal roads, water lines, sewage lines, pipe lines, play ground, easements etc.;

(v) tanks, pumps, motors, ducts, fans, tube lights, drains and drainages, septic tanks, wells and in general all appurtenances and installations including fire fighting equipment etc. existing or coming into existence in future for common use;

(d) 'Committee' means the Managing Committee formed for Revenue Tower/Commercial Office Complexes.

(e) 'Common expenses' means and includes;

(i) all sums lawfully assessed against the tenants by the Managing Committee; .

(ii) expenses of administration, operational charges of lift, A/C, fire fighting equipments, pumps, common area lighting, escalator, other equipments, appliances and arrangement for common use or necessity, expenses for upkeeping the building and premises viz. sweeping, cleaning, waste disposal etc. and facilities provided for use in common, or in common for any particular group of tenants;

(iii) expenses agreed upon as common expenses by the Board;

(f) 'Executive Committee' means the committee consisting of 5 members viz. President, Secretary, Vice President, Joint Secretary and Treasurer. The President shall be one of the Board Members in the Managing Committee as nominated by the Board. Secretary and Treasurer shall be Board Official nominated the Executive Engineer having jurisdiction over the Revenue Towers/ Commercial Complexes. Vice President and Joint Secretary shall be duly elected from the members.

(g) 'General Body' means the General body consisting of all members of tenants in the Revenue Tower/Commercial Office Complex and the nominated office bearers of the Managing Committee.

(h) 'Managing Committee' means the committee consisting of not more than 11 members and shall include a member elected from each category of tenants, RDO or Tahsildar or their representative in case the RDO Office or Taluk Office is housed in the Revenue Tower/ Commercial Office Complex, one representative from Police Department, two Local Board Member as authorized by the Board, the Executive Engineer of the Board in charge of the building and the AEE or AE in charge of the Complex as authorized by the Executive Engineer. But the Executive Engineer or his representative shall not have any voting right. The Managing Committee shall be named as "Kerala State Housing Board Managing Committee for....."

(name of Revenue Tower/Commercial Official Complex).

(i) 'Common amenities expense' means the monthly charge fixed by the Managing Committee from time to time as payable by each member towards his/her share of common expenses of the association such as day to day operational expenses for the upkeep and maintenance of the building and premises and includes all contributions to general fund permitted by Board. All subscriptions under this regulation and contributions will form the general fund; the account will be operated by the officer as authorized by the Board;

(j) 'Open space' means the common areas in the premises specifically earmarked by the Board;

(k) 'Patron' means the Chairman as well as the Secretary of the Board;

(l) 'Shop or office space' means space constructed by the Kerala State Housing Board in the Revenue Tower/Commercial office complexes for the purpose of lease;

(m) 'Tenant' means a person or organization or office to whom Board's premises is rented out and includes the legal heirs of such tenants, authorized by the Board;

(n) All other words and expressions used but not defined in this regulations shall have the meaning respectively assigned to them in the Act;

3. *Formation of General Body of Managing Committee of Revenue Tower/Commercial Office Complex.*—(1) There shall be a general body of Managing Committee in every Revenue Tower/Commercial Office Complex of the Board for the effective maintenance of common facilities and like matters in respect of such Revenue Tower/Commercial Office Complex.

(2) Membership of the Managing Committee and management of the affairs of the general body shall be in the manner hereinafter provided.

4. *Membership.*—All tenants of the particular Revenue Tower/Office Commercial Complex shall have compulsory membership in the general body of the Managing Committee. A member shall have right to vote at the general body meeting and shall have the right to elect member of the Managing Committee from among the tenants on the principle of one vote per member, provided however, that a member who has not cleared all his/her dues to the Board up to the month prior to the date of general body meeting with the Managing Committee shall not be entitled to vote at the general body meeting. However, this will not be applicable in the case of Government offices functioning in the Revenue Towers/ Commercial/Office Complexes. One of the legal heirs of the member authorized by Board can also enjoy all rights of the member in case the member himself cannot enjoy the same. All members shall deposit the amount as fixed by

the Managing Committee, towards the working capital at the time of becoming the member of general body of the Managing Committee. This amount shall be refunded when the membership ceases. Membership ceases as soon as the tenancy ceases.

5. *Register of Members.*—The Managing Committee shall have a register of the members of general body and it shall contain the names, addresses and occupation if any, of the members and also the date on which each person become a member and the date on which any person ceased to be a member and also any other relevant data.

6. *Extent of enjoyment of common area and common amenities.*—(i) All leasehold in the particular Revenue Tower/Commercial Office Complex shall be used for the purpose for which it is leased out in accordance with the terms of the lease.

(ii) Each tenant may use the common areas and common amenities in accordance with the purpose for which they are intended, without hindering or encouraging upon lawful rights of the other tenants.

(iii) The upkeep and maintenance of common area and common amenities shall be carried out only as provided in these Regulations. Any addition or improvements to the common areas and common amenities shall be carried out as permitted by the Board.

7. *Subscription/Common Amenity Expenses.*— Every member shall be liable to pay the annual subscription as may be fixed by the Managing Committee, as permitted by the Board. The subscription shall be paid within one month on intimation by the Managing Committee. Monthly common amenity expenses shall be fixed by the Executive Committee based on the authorized expenses incurred for the purpose. It shall be remitted before 10th of every month or such other date as may be specified. If any member makes default to pay the same for more than two months, he shall be denied the common amenities to his shop or office space; he shall be deemed as having violated the terms of the lease and the lease shall be liable for termination. Such amenities shall not be restored until the amount of arrears with interest, as may be decided by the Managing Committee/Executive Committee is paid. The liability on account of subscription/ common amenity charges or dues fixed by the Managing Committee/Executive Committee shall at all times, be the liability of the tenant whether he occupies the space rented out or not.

8. *Duties and Obligations of members.*— (1) A member shall bear proportional share of expenses of all common amenities with other members as lawfully assessed by the Managing Committee / Executive Committee.

(2) A member shall co-operate in keeping clean the open space and common areas such as the front, rear and

side yards, stair ways, toilets, open terraces, parking areas specifically earmarked etc. of the premises.

(3) A member shall use all sewage, drains, water courses in common with other members and shall share the cost of repairing and maintenance of the same.

(4) No member shall be entitled to exempt himself from liability for his contribution towards the common expenses by waiver of the use or enjoyment of any of the common areas and facilities or by abandonment of his shop or office space.

(5) Any arrears due to the Managing Committee/ Executive Committee, but unpaid shall be adjustable from the deposit and further outstanding if any shall be recovered by the Board as dues on the lease and will be payable to the Managing Committee.

9. *Managing Committee.*—(1) The Management of the affairs of the Common Amenities shall vest with the Managing Committee.

(2) The term of the office of the Managing Committee shall be for a period of 2 years.

(3) The election of the members of the Managing Committee shall be made by Ballot Vote System in the presence of the officers of the Board not below the rank of Executive Engineer. A casual vacancy arising in the Managing Committee by resignation, death etc. of an elected member, shall be filled up by nomination or election as decided by the Managing Committee for the remaining period of the term.

(4) The quorum of the Managing Committee shall be five.

(5) The members of the Managing Committee shall be eligible for re-election, but shall not hold office consecutively for more than two terms.

(6) The Managing Committee shall meet as often as the business may warrant but not less than once in every three months.

(7) No member of the staff of the Board/ Government official shall hold charge of any prominent position in the Managing Committee on his personal capacity.

(8) Tenants except the Government Offices who are defaulters with the Board for more than two months will disqualify himself to hold charge of any official position of the Managing Committee.

10. *Rights, duties and powers of the Managing Committee.*—(1) The entire rights to upkeep the common areas and common amenities like toilets, open yard

specifically allowed, open spaces like lobbies, staircases, car parking areas specifically ear-marked, internal water supply arrangement etc. which impart betterment to the tenants shall stand vested with the Managing Committee. The Managing Committee shall upkeep the common areas and common amenities and utilize it to the common benefit and welfare of the tenants.

(2) The Managing Committee shall be responsible for the proper Management of common amenities.

(3) The upkeep of the premises and common amenities shall be carried out and managed by the committee which shall exercise all such powers and authority.

(4) The Managing Committee may incur expenditure required for its functions and realized from the members as lawfully reserved under these regulation.

(5) A Member of the Managing Committee may resign at any time by a letter of resignation to the President, but such resignation shall take effect only from the date on which it is accepted by the Managing Committee and ratified by the General Body in its next meeting.

(6) The Managing Committee shall engage necessary personnel for sweeping, cleaning, operation of lift and security for upkeeping of the premises and building.

(7) The Managing Committee shall attend petty repair works necessary for the day to day functioning.

(8) Suitable cost effective system shall be adopted for the disposal of wastes from various shops/offices/restaurant if any in common.

(9) Funds for the proper functioning of the Managing Committee shall be raised by collecting deposits from the members and realized on monthly basis from all tenants as common amenities expenses.

(10) The Managing Committee shall be responsible for collecting monthly charges and other fees, if any, from the members.

(11) The deposits and monthly subscriptions collected from the members by the Managing Committee will be operated by the officer authorized by the Board.

(12) Any resolution for revision in the monthly charges consequent to additional/extended amenities decided to be recovered from the members shall be with

prior approval before the General Body Meeting.

11. *Duties and Powers of Patrons.*— (1) It shall be the duty of the patrons to ensure that the Managing Committee function for the purpose for which it is constituted.

(2) To attend any meeting of the Managing Committee and General Body and give direction for the effective functioning of the Committee.

(3) To call for all records and details including the minutes of the Managing Committee/Executive Committee meetings for verification.

(4) To verify the accounts of the Committee and get the amount audited.

(5) To dissolve the Managing Committee in case of severe lapses in its functioning and take over the administration of the Committee for a maximum period of 3 months and fresh election shall be conducted within a period of 3 months and hand over the charges to the newly elected Managing Committee.

12. *Duties and responsibilities of the President.*— (1) The President shall preside over the meetings of the Managing Committee and General Body. In the absence of the President, the Vice-President shall preside over the meeting. In the absence of both, a member shall be elected to preside over the meeting.

(2) The President shall have a general and overall control over the affairs of the Committee.

(3) In case of any dispute regarding any decision to be adopted in a meeting, it may be decided by majority of votes.

(4) In the event of any equal number of votes on any issue put to vote in any meeting, the President or the person presiding over the meeting shall have a casting vote.

(5) The minutes of all the meetings shall be signed by the President or the person presiding over the meeting.

(6) In the absence of the President, the Vice-President shall discharge all the duties and responsibilities of the President.

13. *Duties and responsibilities of Executive Committee.*

(1) The Executive Committee may meet once in every month.

(2) The Executive Committee may recommended suggestions to managing committee in the subjects regarding the upkeep of the building and premises.

(3) The Executive Committee may fix the monthly common Amenity expenses as authorized by the Managing Committee and the decision shall be published the notice Board.

(4) Executive Committee shall send notices to the members informing the monthly common amenity expenses and collect the amount from the members.

14. *Duties and responsibilities of the Secretary.*—(1) The Secretary shall be in charge of all administrative matters of the Committee.

(2) The Secretary shall pass all vouchers and bills as authorized by the Executive Committee/General Body jointly with the Treasurer.

(3) Convene the Managing Committee meeting at least once in every three months, by giving five days notice. Emergency meetings can be conducted by circulation of two days notice.

(4) Convene the General Body Meeting.

(5) Record the proceedings of each meetings in a minutes book kept for the purpose and shall arrange to send the minutes thus recorded to the Executive Engineer concerned and the Board within 7 days of the meeting and shall cause to publish the decisions of the Committee in the Notice Board for information of the members.

(6) Carry out the correspondence of the Managing Committee.

(7) Carry out the decisions taken by the Managing Committee.

(8) In the absence of the Secretary, Joint Secretary shall discharge all the duties and responsibilities of the Secretary.

15. *Duties and responsibilities of the Treasurer.*—(1) The Treasurer shall prepare and maintain all vouchers keep accounts of all income and expenditure and other financial transactions and lay them before the Managing Committee.

(2) The Treasurer shall pass all bills as authorized by the Executive Committee/General Body jointly with the Secretary.

(3) All money belonging to the Committee shall be deposited in a Scheduled Bank by the Treasurer and the Bank account shall be operated jointly by the Treasurer and the President for the Secretary.

(4) Prepare and place the annual budget and such other financial statement as may be necessary before the Managing Committee and the General Body.

(5) The Treasurer shall be the custodian of all registers and receipts book of the Managing Committee, in respect of accounts.

16. *Duties and Responsibilities of Vice-President.*—

(1) The Vice-President shall assist the President in performing official duties.

(2) He shall perform the duties of President as authorized by the President in his absence.

17. *Duties and Responsibilities of the Joint Secretary*—

(1) The Joint Secretary shall assist the Secretary in performing his duties.

(2) He shall perform the duties of the Secretary as authorized by the Secretary in his absence.

18. *Annual General Body Meeting.*—(1) General Body Meeting of the members shall be held at least once in every year.

(a) to consider and adopt the Annual Report and audited statement of accounts.

(b) to appoint an Auditor for the next year.

(c) to consider any other matter which requires the approval of the General Body.

(2) Fifteen days notice shall be given to all the members who are entitled to vote for the General Body Meeting.

(3) The quorum for the General Body Meeting of the members shall be 1/4 th of the total members who are entitled to vote.

(4) The Secretary shall convene a Special General Body Meeting of the members within ten days on receipt of a requisition in writing signed by not less than 1/4 of the members entitled to vote to consider any special matter.

19. *Financial Year.*—The financial year of the committee shall be the period commencing on the first year day of April and ending with 31st March of the succeeding year.

20. *Supersession of a Managing Committee.*—(1) If the patrons are satisfied that the Managing Committee persistently makes default or is negligent in the performance of the duties imposed on it by the Regulation or Commits any act which is prejudicial to the interests of the members or willfully disobeys the directions, the patrons may after giving the Managing Committee an opportunity to state its objections if any, by order in writing remove the Managing Committee and

(a) take over the administration of the Committee including all assets or surplus fund, if any, and to entrust the same with such officers of the Board for a maximum period of 3 months.

(b) Appoint a new Managing Committee, by conducting fresh election and hand over the administration of the Managing Committee including all

assets and surplus fund, if any, to the newly elected Managing Committee.

21. *General.*—All matter regarding the Management of common area and common amenities not specifically provided for under these Regulations, but allowed by the Board shall be decided in such manner as the Managing Committee may determine.

(Sd.)
Secretary.